United States District Court, Northern District of Illinois

Na	me of Assigned Judg or Magistrate Judg		I. Levin	Sitting Judge if Other than Assigned Judge				
CA	ASE NUMBER	00	C 340	DATE	2/27/	2001		
CASE TITLE			H. vs. Lansing Public Schools Dist No. 158					
мо	TION:	[In the following box (of the motion being pa		ne motion, e.g., plaintiff, defe	endant, 3rd party plaintiff, ar	d (b) state briefly the natur		
DOG	CKET ENTRY:			· ·				
(1)	☐ File	Filed motion of [use listing in "Motion" box above.]						
(2)	☐ Brie	Brief in support of motion due						
(3)	☐ Ans	Answer brief to motion due Reply to answer brief due						
(4)	☐ Ruli	Ruling/Hearing on set for at						
(5)	Stat	Status hearing set for 4/6/2001 at 9:30 A.M						
(6)	☐ Pret	Pretrial conference[held/continued to] [set for/re-set for] on set for at						
(7)	□ Tria	Trial[set for/re-set for] on at						
(8)	□ [Ber	[Bench/Jury trial] [Hearing] held/continued to at						
(9)		This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to] FRCP4(m) General Rule 21 FRCP41(a)(1) FRCP41(a)(2).						
(10)			nter memorandur	n opinion and ord	er. Motion by defe	endant to dismiss		
	[19-1] is granted.							
(11)) 📕 [For	further detail see orde	er attached to the orig	inal minute order.]				
	No notices required	, advised in open court.			4	Document		
	No notices required	•			number of notices	Number		
/	Notices mailed by judge's staff.			FEB	8 2846]			
	Notified counsel by telephone.				date docketed			
	Docketing to mail notices. Mail AO 450 form.		· Ø		1,9~	2,6		
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courtroom deputy's				2/27/2001 date mailed notice	******			
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IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

JOSHUA H., by his parents and next)	
friends, Mr. And Mrs. H.)	
Plaintiff,	j	
v.)	Case No. 00 C 340
LANSING PUBLIC SCHOOLS, DISTRICT NO. 158 Defendants.))	Magistrate Judge Ian H. Levin
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This cause coming on to be heard on the Defendant's motion to dismiss, the matter having been fully briefed and the Court being fully advised in the premises, the Court finds and orders as follows:

The only issues over which the Court has subject matter jurisdiction relate to the June 1, 1999 order pertaining to the provision of an extended school year. The subject December 17, 1999 order is currently on appeal in whole or part to the Circuit Court of Cook County. To the extent the amended complaint raises additional issues relating to the December 17, 1999 order, the amended complaint is premature and must be dismissed. Rule 12(b)(1) F.R.C.P.

It bears noting that the Defendant expressly concedes that until a final judicial

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decision is rendered as to the December 17, 1999 order/appeal, the 120 day "statute of limitation for filing a claim for attorney's fees and costs does not begin to run" relative thereto. The Court agrees and so finds. *Dell v. Board of Education to High School District113*, 32 F3d 1053, 1063, 1064 (7th Cir. 1994).

Date: February 27, 2001

ENTER:

Ian H. Levin

United States Magistrate Judge